



Bradley Crowell, *Director*
James R. Lawrence, *Deputy Director*
Dominique Etchegoyhen, *Deputy Director*

STEVE SISOLAK
Governor

State of Nevada
Off-Highway Vehicles Program
901 South Stewart Street, Suite 1003
Carson City, Nevada 89701
Telephone (775) 684-2794
ohv.nv.gov



Nevada Commission on Off-Highway Vehicles
Greg McKay, *Chair*
Sue Baker, *Vice Chair*

DRAFT MINUTES OF THE COMMISSION ON OFF-HIGHWAY VEHICLES

Date and Time: Tuesday, December 11, 2018, 9:00 am - 5:00 pm

Location: This meeting was held in Carson City, NV, 901 South Stewart Street, first floor meeting room. There was also a Conference Call-In number to listen and participate in the meeting:

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1. CALL TO ORDER *Chairman McKay called the meeting to order at 9:00 am.*

2. ROLL CALL OF THE COMMISSION MEMBERS All were present

Commissioner Greg McKay
Commissioner Sue Baker
Commissioner Kerry Lee
Commissioner Charlie Cox
Commissioner Kevin Hill
Commissioner Sean Berryman
Commissioner Brian Parks
Commissioner Eddie Booth
Commissioner Michael Gerow

Ex-Officio members
USFS Kevin Wilmot
BLM Leo Drumm
DMV Ann Liao
NV Division of Tourism Devon Blunden absent

3. PUBLIC COMMENT

Public comment was taken, there was no public comment.

4. REVIEW AND APPROVAL OF AGENDA *FOR POSSIBLE ACTION* *Greg McKay, Chairman. Moved to approve by Commissioner Baker, seconded by Commissioner Lee. Motion approved.*

5. REVIEW AND APPROVAL OF August 28, 2018, MINUTES *FOR POSSIBLE ACTION* - *Greg McKay, Chairman. Moved to approve by Commissioner Baker, seconded by Commissioner Hill. Motion approved.*

6. FINANCIAL UPDATE - *Jenny Scanland, Executive Secretary, DCNR and Kelly Williams, ASO NDCNR. Fiscal report submitted to the Commission. Projections for 2019 revenue from DMV is \$940,000. If projections are correct, there will be \$4.2 million for the 2019 fiscal year. Grant funds available for grants in 2019 is \$950,000. With obligations on past grants and 2019 grants, we will*

have just over 2 Million to carry over into 2020 fiscal year. Commissioner Cox commented that the cash flow from Registration numbers appears to be less. Scanland commented that registration numbers needs to go up. Kelly stated that the numbers remain steady and are not increasing.

7. **COMMISSION VOTE TO AMEND PINE NUT MT. TRAIL ASSOCIATION GRANT TO EXTEND THROUGH DEC. 31, 2019 IN ORDER TO COMPLETE ADDITIONAL EVENTS WITH NO INCREASE IN FUNDING AMOUNT. *FOR POSSIBLE ACTION*** - *Jenny Scanland, Executive Secretary, DCNR.* The Commission awarded a 2018 grant to the Pine Nut Mt. Trails Association to complete 2 clean-up/education/registration/events. The grantee has completed 4 events in three separate areas, over-exceeding their deliverables. They have requested an extension in order to continue to utilize the funds for additional events through December 31, 2019. Staff recommended approval of the extension. See PNMTA grant extension request” in supporting documents. *Greg McKay, Chairman. Moved to approve by Commissioner Cox, seconded by Commissioner Lee. Motion approved.*
8. **COMMISSION VOTE TO ACCEPT DCNR RECOMMENDATIONS TO LEGISLATIVE COUNCIL BUREAU IN REGARDS TO AB29. *FOR POSSIBLE ACTION*** - *Jenny Scanland, Executive Secretary, DCNR and Dominique Etchegoyhen, Deputy Director, DCNR.* Assembly Bill 29, passed in 2017 by the NV legislature directed the Commission on Off-Highway Vehicles, within the Nevada Department of Conservation and Natural Resources, to evaluate the presumption set forth in NRS 490.090 to NRS 490.130 inclusive, that the operation of an off-highway vehicle on a paved highway is prohibited unless authorized by a governmental entity. <https://legiscan.com/NV/text/AB29/id/1630740/Nevada-2017-AB29-Enrolled.pdf>. The Nevada Legislature also directed the Commission on Off-Highway Vehicles to conduct a survey of local governmental entities and other interested parties to solicit input. Finally, the Nevada Legislature directed the Commission on Off-Highway Vehicles to develop recommendations for legislation to make any such amendments as may be proposed based on the evaluation. Such recommendations are to be submitted to the Director of the Legislative Bureau on or before January 1, 2019, for transmission to the 80th Session of the Nevada Legislature. Staff will present the recommendations resulting from that survey. See “NRS Analysis” in supporting Documents.

Recommendations presented by Scanland and Deputy Director Etchegoyhen. Survey results presented noting that there were no written comments received from local jurisdictions, however, several have begun the local process of ordinance/resolution for OHV use on roads as a result of receiving the survey. Two jurisdictions are requesting grants for signage resulting from those local action. The survey findings and analysis noted missing definitions of ‘highway’ and multiple levels of Federal, State and local laws causes a confusion and conflicts within the NRS. Counties and local entities want to be the ones to decide the road use in their own areas rather than over-arching State laws; this was due to local economic reasons. Commissioner Baker recommended that a ‘general OHV user’ needed to be on the sub-committee with support from Commissioner Lee. Scanland added that there should be language added that members on the sub-committee should have some level of OHV experience. Kevin Wilmot (USFS) asked that Federal BLM and USFS be represented in the discussions of the subcommittee for consistency across the landownership.

Commissioner Berryman motioned to adopt the recommendation as presented with incorporation of the language from the discussion. Chairman McKay re-stated the motion: The Department will send recommendation to the Legislative Council Bureau to create an Interdisciplinary NV OHV Roadway Advisory Committee should be formed with a team of subject matter experts and specialists that have some level of off-highway vehicle experience, from the following agencies/entities develop recommendations regarding the NRS, taking into account all current overlapping statutes, codes, and resolutions.

- Nevada Department of Transportation
- Nevada Highway Patrol
- County and City/Town representatives.
- Nevada Sheriff and Chiefs Association/local law enforcement agencies
- Law Enforcement Commissioner from Commission on Off-Highway Vehicles
- General OHV user
- Federal Representation by USFS and BLM.

Moved to approve by Commissioner Baker, seconded by Commissioner Lee. MOTION APPROVED.

B. Nevada Statewide Trails Mapping Collaborative. *Chairman McKay noted that maps were the number one request from our OHV users. Staff stated that the cost was not available, but could be as high as \$100,000 annually and should be funded through multiple sources. Commissioner Baker motioned that the recommendation be send to the LCB with the stipulation that it not all come from OHV budget.*

Motion was made by Commissioner Baker to adopt the recommendation as written with the stipulation that multiple funding sources be used rather than OHV only: for the Department to send recommendation to the Legislative Council Bureau LCB, that the Nevada Mapping Collaborative, currently funded temporarily through state and federal grant sources, be adopted by the Nevada Department of Conservation and Natural Resources as a committed function through the budget process and development of fiscal note. Current partners include Travel Nevada, State Parks and the Recreational Trails Program, and the OHV Program. This project should become a Statewide Trail Program within NDCNR to serve the public with statewide trail maps and visitor information for rural economic gain and public safety. This would also include the posting online of all the resolutions, laws and current maps for each jurisdiction as they complete those planning efforts.

Commissioner Cox seconded the motion with a friendly amendment that the position only be for 10 years he thinks the mapping should be completed at some point. After discussion by Staff and the Chairman and other Commissioners concerning the non-static nature of the project, GIS and constantly changing recreation environment and the live nature of the website, Commissioner Cox withdrew his friendly amendment. MOTION APPROVED

C. Commission should adopt criteria designating priority for funding for “OHV friendly Communities” Fiscal Years 2020 – 2025.

Cities and counties can apply for cost of planning for said resolutions so they may become “OHV Friendly Communities.” Allowable costs will include:

- Funding for planning and mapping needed to complete County or City resolutions.
- Creation of and distribution of maps or other documents setting forth allowable and prohibited roads/areas for operation off-highway vehicles.
- Funding for planning, purchase, installation and maintenance of signs designating roads/areas open or prohibited for operation off-highway vehicles.

Commissioner Berryman clarified that this meant that OHV could fund the signing of the roads, but not the resolution itself as that is a normal function of the government and that “OHV Friendly Community” projects would be put on the Priority list of the Commission for funding. Commissioner Cox stated that he would like to look at this annually. Chairman Baker moved that the recommendation be adopted but that it be annual and that it would send a message that “OHV friendly Communities” are eligible and a priority for the Commission, grantees would still apply under the competitive process. Seconded by Commissioner Lee, MOTION APPROVED.

9. **FY 2019 GRANT APPLICATION SCORING AND AWARDS *FOR POSSIBLE ACTION* -**
The Commission considered Staff and Technical Advisory Committee (TAC) recommendations and Scored the 19 applications. Grant Award decisions were given to staff to complete funding agreements. See “Staff funding recommendations to the Commission” in supporting Documents. Applications are online at <https://ohv.nv.gov/grant-applicants/2019-fiscal-year>

APP. Number	Project Name	OHV Grant Request
1	CCDO, BLM Education and Enforcement	\$ 95,000.00
2	Cold Creek OHV FireFighting	\$ 40,567.72
3	Elko OHV Program	\$ 60,000.00
4	Ely OHV Signage	\$ 5,490.00
5	Equipment & Registration Campaign	\$ 49,068.00
6	GBI Winter Outreach & Education	\$ 35,654.00
7	High Clearance Vehicle Route Trail Maintenance	\$ 77,649.00
8	HTNF Carson/Bridgeport OHV	\$ 187,988.00
9	Las Vegas Valley Loop Trail	\$ 31,098.00
10	Lincoln County Kiosks and OHV Information	\$ 36,950.00
11	Metro Enterprise Area Command	\$ 53,841.00
12	OHV Safety, Enforcement, Partnership Maintenance	\$ 141,000.00
13	Outdoor Ethics, Tread lightly, ATV/OHV/Dirtbike Courses	\$ 34,539.00
14	INYO Planning & Storm Damage Road Repair	\$ 74,200.00
15	Prison Hill Phase 2 (Pt 1) - OHV Education & Design	\$ 204,109.73
16	Prison Hill Phase 2 (Pt 2) - Trail Construction	\$ 191,196.61
17	Ride Safe & Smart	\$ 20,815.05
18	Silver State/Big Rocks, Hunter Lake Wilderness	\$ 34,362.00
19	Winnemucca Dunes Trailhead	\$ 147,805.90
	Total Requests	\$ 1,521,334.01
	Amount Available to Grant	\$ 950,000.00
	Difference	\$ (571,334.01)

Staff informed the Commission of requests and changes made by the TAC and staff on the applications:

- *Several applications were submitted to both the OHV program and the Federal Recreation Program; the RTP program meeting was the previous week and RTP funded several of the applications. This reduced the amounts requested by those applications.*
 1. *RTP partially funded the Inyo Planning project, they were funded 50%, \$37,100 by RTP reducing OHV ask to \$37,100.*
 2. *RTP funded Prison Hill planning and design \$100,000 with the request to Carson City to reduce the scope to bare bones and put \$20,000 of the OHV funds towards construction.*
 3. *Lincoln County OHV kiosks - RTP funded the production of the maps and brochures to go into the kiosks that the Lincoln County OHV application contains. This doesn't change the OHV request.*
- *Carson City BLM was requested by the TAC to come and give information on the application.*

- Douglas County was requested by the TAC through Staff to change the request for a Jeep to an OHV.
- The Technical Advisory Committee also recommended that the OHV funds be used to pay off the balance of the NV Outdoor Schools truck rather than make payments in order to use the funds more efficiently. The application was asked to change the budget and the updated amount is \$56,567.

Discussion of applications ensued and details can be heard on the audio posted on the OHV.NV.GOV website.

OTHER STIPULATIONS ADDED BY THE COMMISSION:

- Cold Creek VFD – Commission determined that the firefighting equipment was not ‘eligible’ under this program’s NRS. (This was confirmed by the Deputy Attorney General post-meeting).
- Commissioner Berryman and Commissioner Baker both would like to see agreements in place for maintenance projects such as Inyo and Humboldt Toiyabe NF that include volunteers or other assurances that they will maintain.
- Las Vegas Enterprise application; request that they work with MXT media on the registration events.
- Elko City application: Elko City must pass resolution prior to Notice To Proceed on signs and program deliverables. Commissioner Lee would like to see Elko have cooperative shared use agreement with the County for registration enforcement and response to OHV emergencies.
- Prison Hill Planning, design and layout: Staff directed to work with applicant to reduce scope/budget to bare/bones and \$20,000 of the \$100,000 should be put towards construction. Example is LEO training for staff, could move that to Douglas Co ride-alongs. Carson City, Greg Berggren provided outline of over 100K in match confirmed from Carson City and NOHVCC. Removal of sound meter as it is not a direct part of this project.
- NV Outdoor School: Commission voted to fund them fully including the increase for payoff of the vehicle.
- Douglas County Sheriff’s office: reduce scope to remove trash cleanups and fund OHV not Jeep. Fund at \$60,000.
- Bridgeport USFS project fund only the Bridgeport portion. Carson can come back next year after they have shown movement forward on their currently funded project, Dance Hill and Kings Canyon.
- Mesquite, \$20,400. Do not fund additional OHV.
- Carson City BLM office education and enforcement: Reduce scope removing the toy hauler or reducing the size, also to meet a reduced funding amount of: \$68,000. Work into the agreement that they will work with NVOHV program and others like Nevada Outdoor School, large events and MXT media for registration events.
- USFS high clearance maintenance: Doug Nesbit, USFS, fully fund but do not give Notice to Proceed until they have presented analysis to staff. Also have them update Commission at next meeting. They will return in March to give update.
- Las Vegas Loop: staff was asked to work with applicant to redefine the scope with solid deliverables and reduce the grant to \$25,000 and not include the rental of a motorcycle.

FINAL AWARDS TOTAL: \$933,636.95 Motion to award conditions as discussed stated by Chairman McKay, motion made by Commissioner Cox, seconded by Commissioner Lee, **MOTION APPROVED**

PROJECT	GRANTEE	TOTAL GRANT AWARD
BLM Education and Enforcement	BLM	\$ 68,000.00
Douglas Co. Sheriff OHV Safety, Enforcement	Douglas C. sheriff	\$ 60,000.00
Elko OHV Program (OHV Friendly)	City of Elko	\$ 60,000.00
Ely OHV Access Signage (OHV Friendly)	City of Ely	\$ 5,490.00
High Clearance Vehicle Route Trail Maintenance	USFS Humboldt Toiyabe State Office	\$ 77,649.00
GBI Winter Outreach & Education Ruby Mt's	Great Basin Institute	\$ 35,654.00
HTNF Carson/Bridgeport OHV	USFS Bridgeport	\$ 93,994.00
Inyo NF, Planning & Damage Repair	USFS Inyo	\$ 37,100.00
Las Vegas Valley Loop Trail	Ross Williams	\$ 25,000.00
Lincoln County Kiosks and Trail Information	Lincoln. Co. Rural Development	\$ 36,950.00
LV Metro Enterprise Area Command	LV Metro Police Department	\$ 53,841.00
Mesquite PD, Registration Campaign	Mesquite PD	\$ 20,400.00
Outdoor Ethics Education	Nevada Outdoor School	\$ 56,576.00
Prison Hill Phase 2 (Pt 1) - OHV Education & Design	National OHV Conservation Council and Carson city	\$ 100,000.00
Ride Safe & Smart, Humboldt Co.	Humboldt Co. Sheriff	\$ 20,815.05
Silver State Big Rocks/Hunter Lake signage	Friends of NV wilderness	\$ 34,362.00
Winnemucca Dunes TH	N. NV ATV Assoc. and BLM Winnemucca	\$ 147,805.90

\$933,636.95

10. CALL FOR AGENDA ITEMS FOR NEXT MEETING.

Commissioners may at this time recommend agenda items to the Chairman for the next meeting. No deliberation or action will be taken on any information presented until the matter itself has been specifically included on an agenda as an item upon which action may be taken –

- Updates on Elko OHV Friendly Resolution project.
- Snow survey project (USFS and GBI)
- Avalanche presentation
- MXT media update and presentation
- Legislation update
- NV Mapping Collaboration update
- Grants update
- USFS road maintenance update
- Commission Training: Ethics, Harassment
- Analysis of DMV numbers

Next meeting March 12, 2019.

11. PUBLIC COMMENT

Public comment was taken at the end of the meeting - Staff and Chairman thanked Commissioner Berryman and Commissioner Lee for their service on the Commission. The Law Enforcement seat has

a recommendation into the Governor from the Sheriff and Chiefs Assoc. of Sgt. Kevin Malone and the OHV/Motorcycle seat is open.

12. ADJOURNMENT *FOR POSSIBLE ACTION* *Moved to adjourn by Commissioner Baker, seconded by Commissioner Lee. MOTION APPROVED.*

NOTICE: Items on this agenda may be taken in a different order than listed, combined for consideration, or removed from the agenda at the discretion of the Chair.

THIS NOTICE HAS BEEN POSTED ON OR BEFORE 9:00 AM ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

Nevada Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, Nevada

Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada

Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada

Capitol Building, 101 North Carson Street, Carson City, Nevada

Legislative Building, 401 South Carson Street, Carson City, Nevada

Library and Archives, 100 N. Stewart Street, Carson City, Nevada

Nevada Department of Motor Vehicles, 555 Wright Way, Carson City, Nevada

Notice of this meeting was also posted on the Nevada Commission on Off-Highway Vehicles Website at: <http://ohv.nv.gov/commission> and <https://notice.nv.gov/>

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. To request special accommodations or assistance at the meeting, please notify our office by writing to the Off-Highway Vehicles Program, 901 S. Stewart Street, Carson City, NV 89701; or by calling 775-684-2794 no later than two (2) working days prior to the scheduled meeting. You can also email Jenny Scanland at jscanland@ohv.nv.gov

Please contact Jenny Scanland at: 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; jscanland@ohv.nv.gov; or 775-684-2794 to obtain support material for the agenda. Materials will also be posted on the <http://ohv.nv.gov/commission> website.